

ASSEMBLY BILL

No. 1505

Introduced by Assembly Member Ducheny
(Coauthors: Assembly Members Ashburn, Cardoza, Florez,
and Reyes)
(Coauthor: Senator Polanco)

February 26, 1999

An act to add Sections 51282.4 and 65863.13 to the Government Code, and to amend Section 21080.10 of the Public Resources Code, relating to farmworker housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, as introduced, Ducheny. Farmworker housing.

(1) The Williamson Act authorizes any city or county to enter into a contract with the owner of agricultural land for the purpose of preserving that land in accordance with the conditions established by the act and that contract. The act authorizes the landowner to petition the governing body of the relevant city or county for cancellation of a contract or portion thereof for agricultural housing that is determined not to be a compatible use of the contracted lands. Prior to any tentative approval of the cancellation, the governing body of the relevant city or county is required to certify to the county auditor the amount of a cancellation fee that the contracting landowner will pay as deferred taxes upon cancellation of the contract, as specified.

This bill would authorize a landowner subject to a Williamson Act contract to set aside a portion not exceeding 5 acres of land under contract to be transferred to a nonprofit

organization or municipal corporation and used for agricultural laborer housing. The bill would exempt the landowner and the subsequent nonprofit organization or municipal corporation titleholder of that land from the payment of any deferred taxes and cancellation fees.

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposed to carry out or approved that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. The act exempts from its requirements development projects for agricultural employee housing that meet prescribed conditions, including consistency with the applicable zoning designation and that the project consists of not more than 45 units on urbanized or 20 units on nonurbanized land or housing for 45 or fewer workers on urbanized or 20 or fewer workers on nonurbanized land, as specified.

This bill would delete the requirement of consistency with the applicable zoning designation and apply that exemption to housing if the project consists of not more than 100 units on urbanized or 50 units on nonurbanized land or housing for 100, or 50, or fewer workers, respectively, as specified. The bill would revise other conditions of that exemption relating to onsite services to accommodate the project and the effect of the project on historic structures. The bill would delete provisions making the act applicable if the lead agency determines that the project would have a significant effect on the environment for specified reasons. The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption.

The bill would provide that no city, county, or other local governmental agency shall disapprove a project that otherwise qualifies for that exemption solely on the basis that it is not consistent with the zoning designation specified in the agency's zoning ordinance.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs



mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51282.4 is added to the
2 Government Code, to read:

3 51282.4. Notwithstanding Section 51282.3, all of the
4 following shall apply:

5 (a) A landowner may at any time serve written notice
6 on the county, city, or city and county of his or her desire
7 to set aside a portion not exceeding five acres of land
8 under contract, and to convey the title to that portion of
9 land to a nonprofit organization or municipal
10 corporation, for the purpose of constructing, or
11 rehabilitating property for use as, and to use the property
12 exclusively for, agricultural laborer housing.

13 (b) If the title to that portion of land under contract is
14 transferred to a nonprofit organization or municipal
15 corporation that agrees to use the land for a purpose
16 specified in subdivision (a), the landowner or the
17 nonprofit entity shall not be liable for the amount of
18 deferred taxes and cancellation fees that would otherwise
19 have been imposed pursuant to Sections 51283 and
20 51283.1.

21 (c) The county, city, or city and county shall issue a
22 certificate of cancellation of contract for the portion of
23 the land under contract that is transferred and no lien
24 shall be created in favor of the county, city, or city and
25 county in the amount of the fees and taxes that would
26 otherwise have been imposed pursuant to Sections 51283
27 and 51283.1.

28 (d) As used in this section, “nonprofit organization”
29 means any organization qualifying under Section
30 501(c)(3) of the Internal Revenue Code.

1 SEC. 2. Section 65863.13 is added to the Government
2 Code, to read:

3 65863.13. A city, county, or other local governmental
4 agency shall not disapprove a project that otherwise
5 qualifies for the exemption in subdivision (c) of Section
6 21080.10 of the Public Resources Code solely on the basis
7 that the project is not consistent with the zoning
8 designation, as specified in the zoning ordinance of the
9 local agency.

10 SEC. 3. Section 21080.10 of the Public Resources Code
11 is amended to read:

12 21080.10. This division does not apply to any of the
13 following:

14 (a) An extension of time, granted pursuant to Section
15 65361 of the Government Code, for the preparation and
16 adoption of one or more elements of a city or county
17 general plan.

18 (b) Actions taken by the Department of Housing and
19 Community Development or the California Housing
20 Finance Agency to provide financial assistance or
21 insurance for the development and construction of
22 residential housing for persons and families of low or
23 moderate income, as defined in Section 50093 of the
24 Health and Safety Code, if the project which is the subject
25 of the application for financial assistance or insurance will
26 be reviewed pursuant to this division by another public
27 agency.

28 (c) (1) Any development project which consists of
29 the construction, conversion, or use of residential housing
30 for agricultural employees, as defined in paragraph (2),
31 that is affordable to ~~lower-income~~ *lower income*
32 households, as defined in Section 50079.5 of the Health
33 and Safety Code, if there is no public financial assistance
34 for the development project and the developer of the
35 development project provides sufficient legal
36 commitments to the appropriate local agency to ensure
37 the continued availability and use of the housing units for
38 ~~lower-income~~ *lower income* households for a period of at
39 least 15 years, or any development project that consists of
40 the construction, conversion, or use of residential housing



1 for agricultural employees, as defined in paragraph (2)
2 that is affordable to low- and moderate-income
3 households, as defined in paragraph (2) of subdivision (h)
4 of Section 65589.5 of the Government Code, if there is
5 public financial assistance for the development project
6 and the developer of the development project provides
7 sufficient legal commitments to the appropriate local
8 agency to ensure the continued availability and use of the
9 housing units for low- and moderate-income households
10 for a period of at least 15 years, if either type of
11 development project meets all of the following
12 requirements:

13 (A) (i) If the development project is proposed for an
14 urbanized area, it is located on a project site which is
15 adjacent, on at least two sides, to land that has been
16 developed, and consists of not more than ~~45~~ 100 units, or
17 is housing for a total of ~~45~~ 100 or fewer agricultural
18 employees if the housing consists of dormitories, barracks,
19 or other group living facilities.

20 (ii) If the development project is proposed for a
21 nonurbanized area, it is located on a project site zoned for
22 general agricultural use, and consists of not more than ~~20~~
23 50 units, or is housing for a total of ~~20~~ 50 or fewer
24 agricultural workers if the housing consists of dormitories,
25 barracks, or other group living facilities.

26 (B) The development project is consistent with the
27 jurisdiction's general plan as it existed on the date that the
28 application was deemed complete *and adequate sites for*
29 *farmworker housing have been identified in the*
30 *jurisdiction's housing element.*

31 ~~(C) The development project is consistent with the~~
32 ~~zoning designation, as specified in the zoning ordinance~~
33 ~~as it existed on the date that the application was deemed~~
34 ~~complete, unless the zoning is inconsistent with the~~
35 ~~general plan because the local agency has not rezoned the~~
36 ~~property to bring it into conformity with the general plan.~~

37 ~~(D)~~ The development project site is not more than
38 five acres in area, except that a project site located in an
39 area with a population density of at least 1,000 persons per
40 square mile shall not be more than two acres in area.

1 ~~(E)–~~

2 (D) The development project site can be adequately
3 served by utilities or other onsite services to
4 accommodate the project.

5 ~~(F)–~~

6 (E) The development project site has no significant
7 value as a wildlife habitat.

8 ~~(G)–~~

9 (F) The development project site is not included on
10 any list of facilities and sites compiled pursuant to Section
11 65962.5 of the Government Code.

12 ~~(H)–~~

13 (G) The development project will not involve the
14 demolition of, or any substantial adverse change, in any
15 structure that is listed, or is determined to be eligible for
16 listing, in the California Register of Historic Resources.

17 (2) As used in paragraph (1), “residential housing for
18 agricultural employees” means housing accommodations
19 for an agricultural employee, as defined in subdivision
20 (b) of Section 1140.4 of the Labor Code.

21 (3) As used paragraph (1), “urbanized area” means
22 either of the following:

23 (A) An area with a population density of at least 1,000
24 persons per square mile.

25 (B) An area with a population density of less than 1,000
26 persons per square mile that is identified as an urban area
27 in a general plan adopted by a local government, and was
28 not designated, on the date that the application was
29 deemed complete, as an area reserved for future urban
30 growth.

31 ~~(4) This division shall apply to any development~~
32 ~~project described in this subdivision if a public agency~~
33 ~~which is carrying out or approving the development~~
34 ~~project determines that there is a reasonable possibility~~
35 ~~that the project, if completed, would have a significant~~
36 ~~effect on the environment due to unusual circumstances,~~
37 ~~or that the cumulative impact of successive projects of the~~
38 ~~same type in the same area over time would be~~
39 ~~significant.~~

1 SEC. 4. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because a local agency or school district has
4 the authority to levy service charges, fees, or assessments
5 sufficient to pay for the program or level of service
6 mandated by this act, within the meaning of Section 17556
7 of the Government Code.

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